

# Exhibit 4

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[Other Parties and their counsel appear at end]

United States District Court  
Northern District Of California  
San Francisco Division

In re DYNAMIC RANDOM ACCESS  
MEMORY (DRAM) ANTITRUST  
LITIGATION

No. M-02-1486-PJH

MDL No. 1486

This Documents Relates To:

ALL ACTIONS

STIPULATION AND ORDER  
LIMITING THE SCOPE OF  
DISCOVERY

Date: None

Time: N/A

Judge: The Honorable Phyllis J.  
Hamilton

Certain Defendants in this case having moved for an Order staying all discovery pending completion of the pending grand jury proceedings; and the United States, through the Department of Justice, Antitrust Division, San Francisco Office, having moved to intervene and for a stay of all non-documentary discovery pending completion of the grand jury proceedings and any resulting criminal trial; and Plaintiffs having opposed these motions; and the Parties and proposed intervenor having resolved their differences by agreeing to the terms of this Stipulation and Order; IT IS HEREBY STIPULATED AND AGREED as follows:

1. The motion of the United States to intervene for the limited purpose of opposing certain discovery is GRANTED.

2. The limitations on discovery set forth in this Order may be lifted or modified on motion of any party at any time for good cause shown. The Court shall conduct a Discovery Status Conference within nine months of the date of entry of this Order to address the course of discovery and the continuing need, if any, for the limitations on discovery set forth in this Order. Similar conferences will be scheduled thereafter at six month intervals or on such other basis as the Court may deem appropriate. If there is no showing that the conditions motivating the limitations on discovery set forth in this Order have changed, it shall be presumed that the provisions of this Order shall remain in effect.

3. As soon as practicable, Plaintiffs and Defendants shall meet and confer regarding an appropriate Protective Order to govern proceedings in this case; and, if unable to agree, the Court will entertain a motion concerning such order. If a motion and hearing are necessary, the Plaintiffs and Defendants will use their best efforts to place the motion on the Court's calendar for a hearing no later than May 15, 2003.

4. The parties recognize that a federal grand jury, located in the Northern District of California, is currently conducting an investigation into competitive conditions in the

1 DRAM industry. Within 30 days of the date of entry of a Protective Order, each Defendant  
 2 shall produce to the other Parties for inspection and copying all documents theretofore  
 3 produced by such Defendant to that grand jury in compliance with the subpoenas issued by the  
 4 grand jury in June 2002 or any subsequent subpoenas issued; *provided, however*, that with  
 5 respect to documents responsive to subsequent grand jury subpoenas, nothing in this  
 6 Stipulation and Order shall prevent any Defendant from objecting to production on appropriate  
 7 grounds under the Federal Rules of Civil Procedure. Every 90 days thereafter, each Defendant  
 8 shall produce to the other Parties for inspection and copying, on a rolling basis, all documents  
 9 produced to the grand jury in compliance with such subpoenas during the preceding 90 days.  
 10 Reasonable costs for copying shall be borne by the Party receiving the copy.

11 5. Within 30 days of entry of a Protective Order, each Plaintiff shall produce (a) all  
 12 documents referred to in the Plaintiff's Complaint, and (b) for each DRAM product purchased  
 13 during the "class period" as defined in the Complaint, documents sufficient to show the the  
 14 identity of the seller, the particular product (or "part") purchased, the quantities purchased, and  
 15 the prices paid by the Plaintiff.

16 6. No interrogatories or requests to admit shall be propounded, except that any  
 17 Party may propound interrogatories seeking from any Plaintiff or Defendant (a) statistical data  
 18 concerning aggregate sales or purchases of DRAM products by the respective Plaintiff or  
 19 Defendant within the "class period(s)" as defined in the Complaints, (b) identification of the  
 20 types of products purchased or sold by the respective Plaintiff or Defendant during such time  
 21 period, and (c) identification of distribution channels used by the respective Plaintiff or  
 22 Defendant during such time period. These interrogatories may not call for narrative responses,  
 23 but shall be limited to statistical or identifying data only; *provided, however*, that the  
 24 interrogatory contemplated by subsection (c) above may require the responding party to name

1 the various distribution channels it used during the relevant time period. With respect to  
 2 interrogatories directed to any Plaintiff, the information sought in these interrogatories is not  
 3 intended to be different from the information mentioned in paragraph 5 above.

4 7. No depositions may be taken, except that depositions may be taken of  
 5 Defendants' customers or Defendants' suppliers, or their employees, provided in any case that  
 6 the deponent is not a former employee of any Defendant. No questions may be asked at any  
 7 deposition about the grand jury proceedings or the witness' testimony, if any, before the grand  
 8 jury or communications with the United States relating to the grand jury proceedings. If any  
 9 such question is asked, counsel may direct the witness not to answer.

10 8. No deposition may be taken on less than three weeks notice absent agreement of  
 11 all Parties and the United States, or as the Court may order for good cause shown. All  
 12 interrogatories and notices of deposition shall be served upon the United States at the same  
 13 time as served on any Party. Absent further order of the Court for good cause shown, no  
 14 responses to any interrogatories, nor transcripts of depositions, shall be provided to any non-  
 15 party (except the United States as set forth below); nor shall any party provide to any non-party  
 16 (except (a) personnel working on this case on behalf of a party, or (b) the United States as set  
 17 forth below), any information concerning the contents of any interrogatory response or  
 18 deposition. For purposes of ensuring that the terms of this Stipulation and Order are enforced,  
 19 the United States will be permitted to review (but not copy) all discovery produced by any  
 20 Party, including deposition transcripts and responses to interrogatories and requests for  
 21 admissions.

22 9. Plaintiffs have indicated their intention to file a single Consolidated Complaint.  
 23 Notwithstanding any provision of this Order, to the extent that any Defendant denies in its  
 24 Answer this Court's personal jurisdiction over such Defendant, or moves to dismiss on that

basis, this Order Limiting Discovery shall not apply to discovery by Plaintiffs limited to evidence relating to the issue of personal jurisdiction over such Defendant(s); *provided, however,* that no jurisdictional discovery may be taken of Nanya Technology Corporation, Nanya Technology Corporation USA, Inc., Winbond Electronics Corporation, or Winbond Electronics Corporation America, that is not otherwise permitted by paragraphs 1-8 and 10 of this Order.

10. During the pendency of the grand jury proceedings, except as provided herein or by further Order of this Court, no discovery shall be conducted in these cases, including, without limitation, any initial disclosure obligations under Fed. R. Civ. P. 26 or the local rules of this Court, document requests, interrogatories, nonparty subpoenas, requests to admit, or depositions. If the grand jury proceedings result in a criminal trial or trials, any Defendant or the Department of Justice shall be free, for cause shown, to seek an order continuing the provisions of this Stipulation and Order. If any such motion is made, the provisions of this Order shall continue in effect pending the disposition of the motion.

11. A Case Management Conference shall be scheduled for May 15, 2003, at <sup>3</sup>~~2:00~~ P.M., in the United States District Court, 450 Golden Gate Avenue, San Francisco, California, 17th Floor, Courtroom 3.

Dated: April 5, 2003

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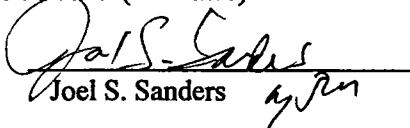
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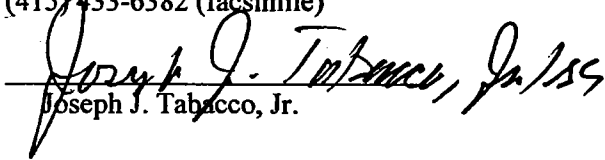
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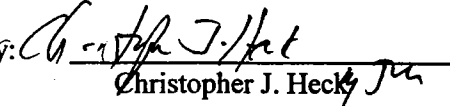
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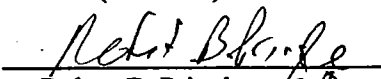
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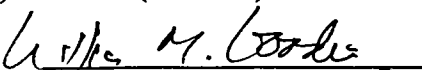
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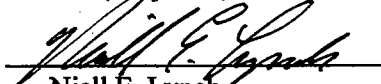
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Based on the stipulation of the parties, and for good cause shown, the foregoing is hereby SO

ORDERED:

  
Phyllis Hamilton  
United States District Judge

Dated: April 16, 2003